



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,177	01/19/2001	Peter Haas	P01,0001	2985

7590

04/14/2004

Kevin R Spivak
Morrison & Foerster LLP
2000 Pennsylvania Avenue NW
Washington, DC 20006-1888

EXAMINER

PIZARRO, RICARDO M

ART UNIT	PAPER NUMBER
----------	--------------

2661

DATE MAILED: 04/14/2004

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/744,177

Applicant(s)

HAAS, PETER

Examiner

Ricardo M. Pizarro

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 10 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 8-11 are objected to because of the following informalities and it is suggested to applicant:

In claim 8 line 11 insert "said" before -state-, in line 12 insert "and" after -parameters- and replace "read" with -readout-.

In claim 9 insert "said" before -state-, in line 19 replace "a" with -the.

In claim 10 line 12 insert "said current" before -state-, in line 14 insert "current" before -state-.

In claim 11 line 4 replace "a" with -said-.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Solomon.

US patent no. 6,011,801 (Solomon) discloses Rate control of channels on a TDM bus, comprising system for receiving and processing HDLC frames on a time division multiplex PCM type link (col 2 lines 6-14, col 7 lines 6-7, comprising a circuit arrangement for receiving data arranged in a transmission frame (circuit arrangement) whereby different time slot widths on a

Art Unit: 2661

same transmission link can be configured within the transmission frame comprising a first processing unit (Processing unit including FIFO 83) for readout from a current time slot and different current state parameters of the current time slots for intermediary storing state parameters of a time slot following the current time slot and for intermediary storing readout data of the time slot in a first memory unit (current time slot is temporarily stored in FIFO memory 83), a second processing unit (processing unit including FIFO 104) with an allocation unit for administering a second memory unit (FIFO 104) in which said state parameters read from the first memory unit given a time a slot change are stored for editing the state parameters intermediary stored in the first memory unit (values are continuously compared to registers pre configured with of time slots assigned) and for allocation of the data of the current timeslot intermediary stored in the first memory unit into a third memory unit (FIFO 112) and a third processing unit for forming data words from the data deposited in the third memory unit (processing unit including FIFO 112), as in claim 8-9.

Allowable Subject Matter

4. Claims 10-11 are would be allowable if rewritten or amended to overcome objection under 37 CFR 1.75.

Conclusion

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Application/Control Number: 09/744,177
Art Unit: 2661

Page 4

Washington, D.C. 20231

or faxed to:

(703) 872-9314

(for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is (703) 305-1121. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM. The fax number for this Group is (703) 872-9314.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Douglas Olms**, can be reached on (703) 305-4703.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

3/26/2004

Ricardo M. Pizarro

Douglas W. Olms

DOUGLAS OLMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600